

REMARKS

In response to the Office Action dated November 15, 2005, the Assignee respectfully requests reconsideration based on the above amendments and based on the following remarks. The Assignee respectfully submits that the amended, effective filing date of the pending claims predates the cited document to *Vinson*.

The United States Patent and Trademark Office (the “Office”) rejected claims 1-50 under 35 U.S.C. § 102 (e) as being anticipated by Published U.S. Patent Application 2003/0172374 to *Vinson*. The Assignee, however, perfects the effective filing date to antedate *Vinson*. The published application to *Vinson*, therefore, cannot anticipate the pending claims. The Assignee respectfully requests removal of the § 102 (e) rejection.

Perfection of Benefit

The Assignee amends the application to perfect the effective filing date. As 35 U.S.C. § 120 and 37 C.F.R. § 1.78 permit, the effective filing date of this application is amended to obtain the benefit of a pending and prior filed application. Paragraph [0002] of this application is amended to contain a reference to U.S. Patent Application No. 11/154,248, filed June 16, 2005. As 37 C.F.R. § 1.78 (a)(2)(ii) requires, this reference is submitted within sixteen (16) months from the filing date of the prior-filed application.

Rejection of Claims

The Office rejects claims 1-50 under 35 U.S.C. § 102 (e) as being anticipated by Published U.S. Patent Application 2003/0172374 to *Vinson*.

First, claims 42-43 and 47-48 have been cancelled. The rejection of these claims is moot.

Second, *Vinson* cannot anticipate the remaining claims. The Assignee amends the application to obtain the benefit of an earlier filed application. The claims now ultimately obtain

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the benefit U.S. Patent Application No. 08/779,306 by Batten et al. and filed January 6, 1997 (Attorney Docket BS95003) (now abandoned). The published application to Vinson, therefore, cannot anticipate the pending claims. The Assignee respectfully requests removal of the § 102 (e) rejection.

If any issues remain outstanding, the Office is requested to contact the undersigned at (919) 387-6907 or scott@wzpatents.com.

Respectfully submitted,



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